

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00159-FDW-DCK

JEFFREY RANDOLPH WATTERSON and)
RANDOLPH ALEXANDER WATTERSON,)

Plaintiff,)

vs.)

WOODY BURGESS, JASON GREEN,)
FRANKIE DELLINGER, JENNIFER HOYLE,)
DAVID HODKINS, BOB AUSTELL, MIKE)
ALLRED, DAVID HODKINS, CITY OF)
CHERRYVILLE, BEN BLACKBURN,)
SELECTIVE INS. OF S.C., CHERRYVILLE)
CITY POLICE DEPARTMENT AND)
CHERRYVILLE UTILITIES DEPT.,)

Defendants.)

ORDER

THIS MATTER is before the Court on Plaintiff Randolph Alexander Watterson's Motion for Subpoenas at Government Expense (Doc. No. 187) and his Motion for Additional Subpoenas at Government Expense and for Writ of Habeas Corpus Ad Testificandum (Doc. No. 188). Plaintiff now appears *pro se* in this matter and filed the motions on his own behalf. Along with his motions, Plaintiff submitted 86 subpoenas to be served by the United States Marshal Service.

Upon initial review, the Court finds dozens of the subpoenas to be improperly completed or lacking relevant information. Moreover, the Court finds the volume of Plaintiff's request to be unreasonable in light of the allegations in this case and absent a particular showing identifying the relevance of each subpoenaed witness. Therefore, the Court DENIES without prejudice Plaintiff's Motions for Subpoenas at Government Expense.

Plaintiff may resubmit his motion to renew his request for subpoenas to be issued. Any renewed motion shall be promptly filed and must identify, with particularity: (1) the person being subpoenaed, (2) a full and current address, (3) a statement as to why the person is necessary to testify, and (4) a statement explaining the basis for the personal knowledge of the proposed testimony. This information is in addition to Plaintiff completing the correct subpoena forms and submitting that along with his motion.

As to Plaintiff's request for Writs so that in-custody witnesses can be transferred for purposes of testifying at trial, Plaintiff must provide the identifying information above, as well as an affidavit from each of the proposed witnesses providing the details, under oath, of the relevant testimony they intend to provide.

Finally, Plaintiff is hereby notified that the Court will not allow him an unlimited amount of time to present his case at trial. The Court has a duty to ensure a fair trial, and the Court must balance that with efficiency so as to not waste the jury's time. To that end, the Court advises Plaintiff to prioritize his list of witnesses and requests for subpoenas so that, after review, the Court can determine a reasonable number of witnesses to be subpoenaed.

IT IS THEREFORE ORDERED that Plaintiff's Motions for Subpoenas at Government Expense (Docs. Nos. 187, 188) are DENIED WITHOUT PREJUDICE to be promptly refiled in accordance with the instructions set forth herein.

IT IS THEREFORE ORDERED.

Signed: December 6, 2016

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

